

AN ORDINANCE

97427

RESCINDING THE LICENSE AGREEMENTS APPROVED BY ORDINANCE NO. 61887, PASSED ON NOVEMBER 25, 1985, AND ORDINANCE NO. 62468, PASSED ON MARCH 13, 1986, WITH THE FAIRMOUNT HOTEL COMPANY AND AUTHORIZING A LICENSE AGREEMENT WITH PATRIOT AMERICAN HOSPITALITY PARTNERSHIP, L.P. FOR THE USE OF PUBLIC RIGHT OF WAY FOR TWO (2) EXISTING PORCHES AND FOUR (4) EXISTING AREAWAYS AT THE SOUTHWEST CORNER OF ALAMO AND NUEVA STREETS AND AN EXISTING PORTE COCHERE ON ALAMO STREET, AT THE FAIRMOUNT HOTEL LOCATED AT 401 SOUTH ALAMO, WITHIN NEW CITY BLOCK 155, FOR A TOTAL LICENSE FEE OF \$12,139.00 FOR A TEN (10) YEAR TERM.

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WHEREAS, the City approved two license agreements with the Fairmount Hotel Company pursuant to Ordinance No. 61887 on November 25, 1985 and Ordinance No. 62468 passed on March 13, 1986 for the use of public right of way for two (2) existing porches and four (4) existing areaways at the southwest corner of Alamo and Nueva Streets and for the use of an existing porte cochere on Alamo Street within NCB 155; and

WHEREAS, Patriot American Hospitality Partnership, L.P., a Virginia limited partnership acquired their interest in the hotel from Fairmount Hospitality, a Texas Partnership on October 2, 1995 and the rights granted by the previous licenses are not assignable; and

WHEREAS, it is necessary for the City to rescind the two existing license agreement and authorize execution of a new 10-year License Agreement with Patriot American Hospitality Partnership, L.P. for the continued use of public right of way portions of Alamo and Nueva Street located in New City Block 155 adjacent to the Fairmount Hotel at 401 S. Alamo Street for a total license fee of \$12,139.00; and

WHEREAS, this action is consistent with the City of San Antonio Code and Ordinances which require City Council approval for any private use of property owned or controlled by the City; **NOW THEREFORE**;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The two license agreement with the Fairmount Hotel Company for the use of public right of way for two (2) existing porches and four (4) existing areaways at the southwest corner of Alamo and Nueva Streets and for the use of an existing porte cochere on Alamo Street within NCB 155 as approved by Ordinance No. 61887 on November 25, 1985 and Ordinance No. 62468 passed on March 13, 1986 are hereby rescinded.

SECTION 2. A ten-year License Agreement is hereby authorized with Patriot American Hospitality Partnership, L.P., a Virginia limited partnership, as Licensee, for the use of Public Right of Way for two (2) existing porches and four (4) existing areaways at the southwest corner of Alamo and Nueva Streets and an existing porte cochere on Alamo Street, at the Fairmount Hotel located at 401 South Alamo, within New City Block 155, for the License Fee of \$12,139.00


SECTION 3. The City Manager, or her designee, is hereby authorized to execute said License Agreement, a copy of which, executed on behalf of Patriot American Hospitality Partnership, L.P., is affixed hereto as Attachment I and incorporated herein verbatim for all purposes.

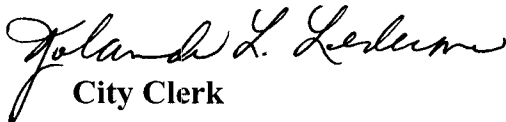
SECTION 4. The proceeds of the agreement shall be deposited in Fund No. 11-0000 entitled "General Fund," Index Code 012732 entitled "License Agreement – Use of ROW."

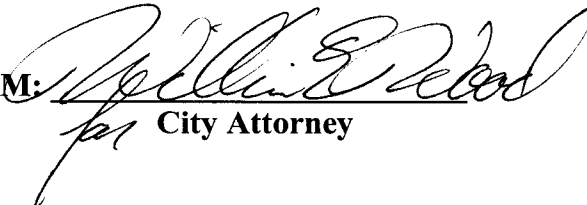
SECTION 5. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and fund number as necessary to carry out the purpose of this Ordinance.

SECTION 6. This ordinance shall take effect on the 20th day of April 2003.

PASSED AND APPROVED this 10th day of April, 2003.


M A Y O R
EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney